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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/630,714	07/31/2003	Keisuke Yoshida	1046.1297	1592
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STAAS & HALSEY LLP SUITE 700 1201 NEW YORK AVENUE, N.W. WASHINGTON, DC 20005			EXAMINER BATAILLE, PIERRE MICHEL	
			ART UNIT	PAPER NUMBER
			2186	
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			11/25/2009	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/630,714

Applicant(s)

YOSHIDA, KEISUKE

Examiner

Pierre-Michel Bataille

Art Unit

2186

Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12 August 2009.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) 3,7,11 and 15 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,2,4-6,8-10,12-14 and 16-21 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Response to Amendment

1. The present Office Action is responsive to Applicant's communication filed August 12, 2009 responsive to Non-Final Rejection dated March 17, 2009. Applicant's amendments and/or arguments have been considered with the results that follow.
2. Claim 1-2, 4-6, 8-10, 12-14 and 16-21 are now pending in the application under prosecution as claims 3, 7, 11, and 15 have been canceled by Applicant's Amendment.

Response to Arguments

3. Applicant's arguments with respect to claims 1-2, 4-6, 8-10, 12-14 and 16-21 have been considered but are not deemed to be persuasive for at least the following remarks.

The claims have been amended to recite the limitation "wherein the script and the values of the parameters are stored in separate files". it is noted that Col. 12 Lines 37-57 in Curtis features system, method and program to override properties, also described in Fig. 5 & 6 wherein the scriptfile which is part of an install program contains the list of properties and its values or variables and wherein a method is added to the Install Properties object called "set to environment" allowing a user to override the properties that are saved in the particular object, i.e., the Install Properties object. See Col. 12, Line 37 to Col. 13, Line 34). Curtis suggests that destination directory is to be override and the "set to environment" method goes through the environment variables set in the particular object and looks for a same variable name, i.e., property name, as

listed in the install.script file wherein, for each variable name from the install.script file that it finds in the environment variables, the "set to environment" method then updates the Install properties object with the new setting. It is, thus, noted that the script file containing a list of properties and the properties are maintained in property objects, different from the script file. The system compares the each environment variable names with property variables name in the script file and updates the environment variable set if the names match. (See col. 6, Lines 7-24; Col. 12, Line 37 to Col. 13, Line 34.)

Therefore the addition does not carry any particular feature that removes the references from reading upon the claims.

Applicant contends that the combination is Curtis and Shavit is improper because Curtis uses human readable logs for both the install and the uninstall processes and Curtis would not want the script encrypted. Please note that Curtis simply uses a log readable by and allowing a human to ensure that a file has been installed correctly. The "log" is different from the "script file" which automatically provides install property, enables and updates property values. Curtis' system provides synchronization and/or protection functions matching property names before update. The human's reading of the log does not infer the reading of the "scriptfile". Similar to Curtis' protection functions Shavit, in the same line of endeavor, is more explicit by provides script file encrypted, dynamic copy protection of optical media encrypting the script before downloading and running the script including authenticating and decrypting the script.

Shavit provides system granting access by checking for authorized access. (See Fig. 5, Col. 17, Lines 63 to Col. 18, Line 19.)

In view of these remarks, the Office Rejection is maintained and appended below.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

6. Claims 1-2, 4-6, 8-10, 12-14 and 16-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over US 6,629,316 (Curtis) in view of US 6,952,479 (Shavit et al).

With respect to claim 5, Curtis teaches an information processing method (a system, method, and program enables ***overriding program properties using a specially designated environment variable statement***) comprising: referring to a

script containing parameters; checking values of the parameters (*identifying in a list of environment variables any property names having the pre-designated prefix*); when a checked result is correct, referring to values of the parameters; and executing steps specified by the script in a way that replaces a parameter of the script with a value of the parameter, wherein the scrip and the values of the parameters are stores on separate files (*means for causing a replacement of a given associated value in the property object with the different property value for each of the identified property names that match one of the property names in the property object*)

[Abstract; Fig. 6; Col. 6, Lines 14-24; Col. 11, Lines 7-40; Col. 6, Lines 7-24; Col. 12, Line 37 to Col. 13, Line 34]. Curtis fails to specifically teach the script being encrypted and a module decrypting the script. However, Shavit teaches dynamic copy protection of optical media conveying script including encrypting the script before downloading and running the script including authenticating and decrypting the script [Fig. 5, Col. 17, Lines 63 to Col. 18, Line 19]. Therefore, it would have been obvious to one of ordinary skill in the art, having both teaching before him/her at the time of the invention to feature script being encrypted and a module decrypting the script, in combination with the information processing method by Curtis because the result would have prevented a hacker from discovering or tampering with algorithms that are used in the copy protection applied by the module, as taught by Shavit (Col. 18, Lines 1-12). The combination is proper because Shavit teaches computer to run script, which automatically updates the program code of the protection module, the script typically

changes the values of certain parameters used by protection module in calculating the modification to be made [Col. 17, Lines 63 to Col. 18, Line 19].

With respect to claim 1, Curtis teaches the invention as claimed, an information processing system (a system, method, and program enables ***overriding program properties using a specially designated environment variable statement***) comprising: a first storage medium readable by a computer and storing script containing parameters; a checking module checking values of the parameters (***designated "set to environment variable" method compares each environment variable name with the property variable name in the script file***); a second storage module, when a checked result is correct, storing values of the parameters; and a module executing steps specified by the script in a way that replaces a parameter of the script with a value of the parameter, wherein the scrip and the values of the parameters are stores on separate files (***means for causing a replacement of a given associated value in the property object with the different property value for each of the identified property names that match one of the property names in the property object***) [Abstract; Fig. 6; Col. 6, Lines 14-24; Col. 11, Lines 7-40; Col. 6, Lines 7-24; Col. 12, Line 37 to Col. 13, Line 34]. Curtis fails to specifically teach the script being encrypted and a module decrypting the script. However, Shavit teaches dynamic copy protection of optical media conveying script including encrypting the script before downloading and running the script including authenticating and decrypting the script [Fig. 5, Col. 17, Lines 63 to Col. 18, Line 19]. Therefore, it would have been obvious to one of ordinary

skill in the art, having both teaching before him/her at the time of the invention to feature script being encrypted and a module decrypting the script, in combination with the information processing method by Curtis because the result would have prevented a hacker from discovering or tampering with algorithms that are used in the copy protection applied by the module, as taught by Shavit (Col. 18, Lines 1-12). The combination is proper because Shavit teaches computer to run script, which automatically updates the program code of the protection module, the script typically changes the values of certain parameters used by protection module in calculating the modification to be made [Col. 17, Lines 63 to Col. 18, Line 19].

With respect to claim 2, Curtis teaches the information processing system, wherein the script represents steps configuring a predetermined target system by combining a plurality of subsystems, and the parameter is characteristic information that individually adapts said subsystem to the target system (***script file defining default operation or behavior for the process with properties and values saved in the property object***) [Fig. 5-6; Col. 6, Lines 8-14; Col. 14, Lines 14-28].

With respect to claim 4, Curtis teaches the information processing system further comprising: a module accepting a value setting with respect to the parameter; and a module judging whether the value with the setting accepted can be applied to said target system or subsystem (***script file defining default operation or behavior for the***

process with properties and values saved in the property object) [Fig. 5-6; Col. 14, Lines 14-28].

With respect to claims 18-21, Shavit teaches computer to run script, which automatically updates the program code of the protection module, the script typically changes the values of certain parameters used by protection module in calculating the modification to be made (combining the script with a readout setting value) [Col. 17, Lines 63 to Col. 18, Line 19].

With respect to claims 5-6, 8-10, 12-14 and 16-21, the claims correspond to other format of claims 1-2 and 3-4, are rejected based on the same assumption, as addressed above.

Contact Information

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Pierre-Michel Bataille whose telephone number is (571) 272-4178. The examiner can normally be reached on Mon-Fri (8:00A to 5:30P).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Matthew M. Kim can be reached on (571) 272-4182. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Pierre-Michel Bataille
Primary Examiner
Art Unit 2186

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